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FACSIMILE TRANSMISSION

To: United States Patent and Trademark Office
ATTENTION: REFUND BRANCH

Facsimile No: 571-273-6500

From: Danielle L. Menzies

Date: May 1, 2008

Re: REQUEST FOR REFUND of \$340.00
U.S. Application Serial No. 10/768,761
Our Docket No. 702_102

Pages: 3 (including cover page)

Comments: Please see the attached

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May 1, 2008

VIA FACSIMILE

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

**RE: Request for Refund
U.S. Patent Application Serial No. 10/768,761
Our Docket No. 702_102**

Attention Refund Branch:

On January 10, 2008, we filed a response to a Final Office Action that was mailed on November 14, 2007. We then received an Advisory Action that was mailed on February 19, 2008, with which we filed a Notice of Appeal on March 19, 2008. We took a one-month extension when filing the Notice of Appeal and should have only been charged a fee of \$120.00 because we filed a first reply within two months of the mailing date of the Final Office Action. On April 22, 2008 our deposit account was hit for \$340.00. The \$120.00 plus \$340.00 is equal to the amount of a two month extension of time. We should not be charged \$340.00 for a two month extension because according to page 8, paragraph 29 in the Final Office Action (please see attached) the statutory period will expire on the date the advisory action was mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

Please refund our deposit account \$340.00 (Account number 500289).

If you have any questions, please contact me at ext. 256.

Very truly yours,
MARJAMA MULDOON BLASIAK & SULLIVAN LLP

Danielle L. Menzies

Enclosure

Marjama Muldoon Blasiak & Sullivan LLP
www.cny-iplaw.com

Application/Control Number: 10/768,761
Art Unit: 3739

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Conclusion

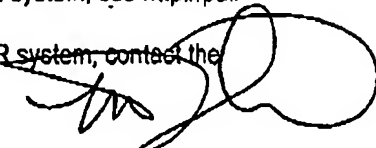
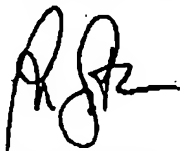
[28] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

[29] A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

[30] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.

[31] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.

[32] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINDA C. M. DVORAK
SUPERVISORY PATENT EXAMINER
ROOM 3700



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